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Comm. Amdt. _____

Amendment No. 1 to SB1593

**Tracy
Signature of Sponsor**

AMEND Senate Bill No. 1593

House Bill No. 1154*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-152, is amended by deleting subsection (d) in its entirety and by substituting instead the following language as a new subdivision:

(d) Any person who drives at a speed exceeding a posted school zone speed established under the authority of §55-8-153, during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving the school, shall be prima facie guilty of reckless driving.

SECTION 2. Tennessee Code Annotated, Section 55-8-152, is further amended by deleting subsection (f) in its entirety and inserting the following language as a new subsection:

(f)

(1) A violation of this section is a Class C misdemeanor.

(2) Notwithstanding any provision of the law to the contrary, a violation of the reduced highway construction zone speed limits set by the department of transportation, pursuant to §55-8-153, is a Class B misdemeanor, punishable by fine only, when employees of the department or construction workers are present. The department, or its agents, are hereby directed to indicate the presence of workers or department employees with signs with flashing amber lights; provided, that this penalty is applicable in highway construction zones only to those speeding violations which have been detected by radar, infrared or

similar detection devices. The amount of the fine imposed for violations that occur in work zones where the speed limits have been reduced by the department and when employees of the department or construction workers are present shall not be less than two hundred fifty dollars (\$250). Notwithstanding any provision of this subsection to the contrary, no provision of this subsection, nor of section §55-8-153, shall be construed to prevent the entry of a suspended sentence upon the conviction of a defendant for the first violation of the enhanced penalties provided for when the violation occurs within a construction zone, when employees of the department of transportation or construction workers are present, and when the trier of fact determines that extraordinary circumstances led to the violation.

SECTION 3. Tennessee Code Annotated, Section 55-8-153, is amended by deleting the section in its entirety and by substituting instead the following language:

(a)

(1) The department of transportation is empowered to establish speed zones with speed limits lower than those prescribed in §55-8-152 in business, urban or residential districts, school or construction zones, or at any congested area, dangerous intersection or whenever and wherever the department shall determine, upon the basis of an engineering and traffic investigation, that the public safety requires a lower speed limit.

(2) Signs giving notice of speed zones shall be erected by the department at such places or put on the highway where the prescribed speed limits are effective.

(3) In designated construction zones, the department of transportation and its agents are hereby directed to indicate the presence of workers or department employees with signs with flashing amber lights.

(b)

(1) The legislative bodies of towns and cities shall possess the power to prescribe lower speed limits within certain areas or zones, or on designated highways, avenues or streets, in their respective jurisdictions, when, upon the basis of an engineering and traffic investigation, it is shown that the public safety requires a lower speed limit.

(2) Signs giving notice of speed zones and the speed limits in those zones shall be erected by the towns and counties at such places or put on the highway where the prescribed speed limits are effective.

(3) The speed limits for towns and cities shall not exceed fifty-five miles per hour (55 mph).

(c)

(1) The legislative body of any county, except the legislative bodies of any counties having a commission form of government, has the power to prescribe lower speed limits within certain areas or zones on any road being maintained by such county when, upon the basis of an engineering and traffic investigation, it is shown that the public safety requires a lower speed limit. In those counties having a commission form of government, the board of commissioners has the power prescribed in this section.

(2) Signs giving notice of speed zones and the speed limits in those zones shall be erected by the counties at such places or put on the road where the prescribed speed limits are effective.

(3) The speed limits for counties shall not exceed fifty-five miles per hour (55 mph).

(d)

(1) School speed zones shall include streets, roads and highways adjacent to and within one-fourth (1/4) mile of school grounds that are devoted primarily to normal school day activity.

(2) In school speed zones where the department of transportation does not establish special speed limits as provided for in subdivision (a)(1), or in any county or municipality where the local legislative body does not establish special speed limits as provided for in subsections (b) and (c), any person who drives at a speed exceeding fifteen miles per hour (15 mph) when operating a motor vehicle within a school zone during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of the school or a period of ninety (90) minutes after the closing hour of the school, while children are actually going to or leaving the school, shall be prima facie guilty of reckless driving.

(3) The department of transportation has the authority to establish special school zone speed limits at school entrances and exits to and from controlled access highways. Such speed limits shall be enacted based on an engineering investigation, shall not be less than fifteen miles per hour (15 mph) and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation and only while children are actually present.

(4) Counties and municipalities are authorized to establish special school zone speed limits upon any highway or public road of this state within their jurisdiction, except at school entrances and exits to and from controlled access highways on the system of state highways. Such speed limits shall be enacted based on an engineering investigation, shall not be less than fifteen miles per hour (15 mph) and shall be in effect only when proper signs are posted with a

warning flasher or flashers in operation and only while children are actually present.

(e)

(1) Engineering and traffic investigations used to establish special speed zone locations and speed limits shall be made in accordance with established traffic engineering practices and in a manner that conforms to the Tennessee Manual on Uniform Traffic Control Devices (MUTCD). Such investigations shall be documented and documentation shall be maintained by the jurisdiction performing or sponsoring the investigation.

(2) All signs, signals and other forms of public notification of speed limits, road hazards and other traffic conditions shall comply with the Tennessee Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.